

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**PRAXIS ENERGY AGENTS**  
**Plaintiff**

**VS.**

**INDUSTRIAL CARRIERS INC., *in personam*,**  
***and the bunker fuel oil aboard the***  
**M/V GO PUBLIC, and the M/V GO PUBLIC,**  
***in rem*, and Those at Interest Therein**  
**Defendants**

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**C.A. NO. 1:08-CV-00609**

**[Filed Pursuant to  
Rule 9(h) F.R.C.P.]**

**In Admiralty**

**FIRST SUPPLEMENTAL AND AMENDED VERIFIED COMPLAINT  
OF PLAINTIFF PRAXIS ENERGY AGENTS S.A.**

TO THE JUDGE OF THIS COURT:

Plaintiff PRAXIS ENERGY AGENTS S.A. ("PRAXIS"), through undersigned counsel, hereby supplements and extends its Original Verified Complaint filed with this Court on October 17, 2008, against INDUSTRIAL CARRIERS INC., *in personam*, the bunker fuel oil aboard the M/V GO PUBLIC, the M/V GO PUBLIC, *in rem*, and Those at Interest Therein, respectfully stating an admiralty and maritime claim pursuant to the admiralty jurisdiction of this Court and within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and pursuant to Rule B and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and upon information and belief states as follows:

**I.**

On October 17, 2008, Plaintiff PRAXIS filed its Original Verified Complaint against Defendants, including an *in personam* claim against INDUSTRIAL CARRIERS INC. and an *in rem* claim against the M/V GO PUBLIC, and a request for the issuance of a writ of maritime attachment and seizure of the bunker fuel oil and/or any other property aboard or attributable to

INDUSTRIAL CARRIERS INC. and/or the M/V GO PUBLIC, arising out of INDUSTRIAL CARRIERS INC.'s failure to pay outstanding invoices, in the amount of \$409,473.28 (USD), for necessary supply or services and bunkers and fuel oil. On October 17, 2008, Plaintiff PRAXIS prayed for the issuance of a warrant for the attachment and seizure of the bunker fuel oil and/or any other property aboard or attributable to Defendants aboard the M/V GO PUBLIC. The bunker fuel oil aboard the M/V GO PUBLIC was attached and is held by the U.S. Marshal, and the M/V GO PUBLIC remains within the jurisdiction of this Court.

## II.

Plaintiff PRAXIS files this Supplemental and Amended Verified Complaint before being served with responsive pleadings pursuant to Rule 15 of the Federal Rules of Civil Procedure, and, as such, is entitled to amend its Verified Complaint as a matter of course. Plaintiff PRAXIS adopts and realleges the allegations contained in its Original Verified Complaint, including that pertinent to Rule B attachment and that pertinent to seizure or arrest under Rule C, filed on October 17, 2008, as if copied herein *in extenso*, and now supplements such with the following based on information and belief:

## III.

This is an admiralty and maritime claim within the Court's Admiralty Jurisdiction pursuant to 28 U.S.C. § 1333, Supplemental Rule C for Certain Admiralty and Maritime Claims, Rule 9(h) of the Federal Rules of Civil Procedure, and the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367.

IV.

Defendant INDUSTRIAL CARRIERS INC. is believed to have had and at this time may have a business office in the State of New York, and may have an agent for service for process in the State of New York, but has not been found residing within this District or Division.

V.

Defendant M/V GO PUBLIC is an ocean-going freight ship, Bahamas Flag, Official No. 9045900, currently at or about the Port of Beaumont, Beaumont, Texas, within the jurisdiction of this Court.

VI.

Plaintiff supplied necessary service and bunkers and fuel oil to the M/V GO PUBLIC on or about September 15, 2008 overseas, as documented in Exhibit "I" to Plaintiff's Original Verified Complaint, incorporated by reference.

VII.

The service and supply of bunkers and fuel oil to the M/V GO PUBLIC was made pursuant to PRAXIS' terms and conditions, which are included in the aforementioned Exhibit "I".

VIII.

Plaintiff PRAXIS has timely issued invoices for the delivery of said necessary services and supply in the amount of \$409,473.28 (USD), which are past due and owing. Please see Exhibit "I" to Plaintiff's Original Verified Complaint, incorporated by reference.

IX.

The referenced invoices (Exhibit "I", Plaintiff's Original Verified Complaint) remain past due and outstanding, notwithstanding demand for payment by the Plaintiff.

X.

The necessary services and supply was made pursuant to the terms and conditions of PRAXIS and, more specifically, reference is made to paragraph 21.00 (Applicable Law) and, in particular, Paragraph 21.00 wherein the terms and conditions provide that United States Law is applicable, including, but without limitation, “all issues concerning the enforcement and application and status of maritime liens.”

XI.

In the instant case with the vessel M/V GO PUBLIC present in this District, United States Law shall apply pursuant to Clause P. 21.00 of Plaintiff’s terms and conditions. As such, Plaintiff PRAXIS, pursuant, but not limited to, 46 U.S.C. § 31341, *et. seq.*, possesses a maritime lien against the vessel M/V GO PUBLIC in the amount of the goods and services it supplied plus all interest and costs to the total of at least \$409,473.28 (USD).

XII.

Pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure, the claim brought by Plaintiff PRAXIS gives right to an *in rem* action against the M/V GO PUBLIC to enforce the lien and the vessel should be served and seized to adjudicate Plaintiff’s actions herein.

XIII.

Plaintiff PRAXIS agrees to hold harmless and indemnify the United States and the United States Marshal and all of his deputies from any and all liability as a result of arresting and seizing the M/V GO PUBLIC.

XIV.

All and singular, the foregoing premises are true and correct and within the admiralty jurisdiction of this Honorable Court.

WHEREFORE, Plaintiff PRAXIS ENERGY AGENTS S.A. seeks judgment in its favor and respectfully requests this Court grant relief as follows:

1. That the Supplemental and Amended Verified Complaint be deemed good and sufficient;
2. That process in due form of law according to the course and practice of this Honorable Court issue against defendant, M/V GO PUBLIC and her engines, tackle, equipment, boilers, appurtenances, etc., *in rem*, citing it to appear and answer all and singular the matters aforesaid;
3. That pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, a warrant for the arrest of the M/V GO PUBLIC, her engines, gear, equipment, tackle, boilers and appurtenances, etc. may issue placing the M/V GO PUBLIC under the custody and control of the U.S. Marshal for the Eastern District of Texas;
4. The Defendant be required to post adequate security in the amount of Plaintiff's claim, plus interest and costs, until such time as Plaintiff's claim is fully adjudicated and/or satisfied;
5. That the unpaid amounts owed to Plaintiff PRAXIS ENERGY AGENTS S.A. for service and supply by the M/V GO PUBLIC be declared a valid and existing maritime lien upon the vessel, her engines, tackle, boilers, equipment, and appurtenances, etc. pursuant, but not limited to, 46 U.S.C. § 31341, *et. seq.*;

6. That a judgment may be entered in favor of Plaintiff against Defendants for the amount of plaintiff's claim and damages, fees, and costs, together with interest and the costs and disbursements of this action;
7. That, in the alternative, the vessel M/V GO PUBLIC be sold and that Plaintiff's claim be satisfied from the sale proceeds;
8. That Plaintiff PRAXIS ENERGY AGENTS S.A. be granted any other legal or equitable relief or remedy to which it is entitled or this Court deems appropriate to grant.

Respectfully submitted,

BENCKENSTEIN & OXFORD, L.L.P.  
P.O. Drawer 150  
Beaumont, Texas 77704-0150  
Telephone: (409) 833-9182  
Facsimile: (409) 833-8819



Alan G. Sampson  
State Bar No. 17560000  
Email: [asampson@benoxford.com](mailto:asampson@benoxford.com)  
Joshua C. Heinz  
State Bar No. 24053264  
Email: [jheinz@benoxford.com](mailto:jheinz@benoxford.com)

**ATTORNEYS FOR PLAINTIFF  
PRAXIS ENERGY AGENTS S.A.**

PLEASE SERVE:

**M/V GO PUBLIC, her engines, tackle,  
equipment, appurtenances, etc., *in rem***

Through her master, which vessel is located at or  
about the Port of Beaumont, Beaumont, Texas and  
within the territorial jurisdiction of this Court.